

**UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS  
BANKRUPTCY DIVISION**

**COMPLAINT**

**FOR CIVIL RACKETEERING, CIVIL VIOLATIONS OF THE CRIMINALLY  
INFLUENCED AND CORRUPT ORGANIZATIONS ACT, FOR DEPRIVATION OF  
CIVIL RIGHTS UNDER THE COLOR OF LAW AND FOR OTHER RELIEF**

**EXHIBIT 9**

**Acting Commissioner White's December 27, 2011 Correspondence**



Henry W. White, Jr.  
Acting Police Commissioner

## Government of The Virgin Islands of the United States

### VIRGIN ISLANDS POLICE DEPARTMENT OFFICE OF THE COMMISSIONER



Police Operations and  
Administrative Services  
#45 Mars Hill, Frederiksted  
St. Croix, U.S.V.I. 00840  
(340) 778-2211

Alexander Farrelly Justice  
Complex  
Charlotte Amalie  
St. Thomas, U.S.V.I. 00802  
(340) 774-2310

Leander Jurgen Command  
Cruz Bay  
St. John, U.S.V.I. 00830  
(340) 693-8880

Patrick Sweeney Complex  
RR 02, Kingshill  
St. Croix, U.S.V.I. 00850  
(340) 778-2244

December 27, 2011

Training Director Oakland Benta  
Training Bureau  
# 1 Estate Welcome  
Christiansted, St. Croix V.I. 00820

**Re: Recommendation for Termination  
Prohibited and Improper Conduct**

Dear Director Benta:

A recommendation for your termination has been submitted to the Governor John P. de Jongh, Jr., regarding your actions of July 29, 2011 which lead to an investigation of an alleged criminal act at the Estate Shoys home of Jeffery Prosser. This lead to Police Report #11A09012 being written on or about September 3, 2011 for an alleged incident, when the report indicated it was of a non criminal nature by Police Officer Malissa Fraser. You have knowledge that this home and contents were involved in litigation of the United States Bankruptcy Court in Florida, your participation in an act of obstructing actions of the Court.

Further, having knowledge that the investigation of the home was a non criminal act, as the Supervisor of Officer Cuthbert Cyril you allowed him to participate and be involved in obstructing the proceeding of the Bankruptcy Court. A letter dated November 3, 2011 was sent to Mrs. & Mr. Jeffrey Prosser in Estate Shoys declaring that there was "criminal investigation" underway and no one was permitted to enter crime scene unless he was present. That letter ended up in the hands of Mr. & Mrs. Prosser's Attorney Norman Abood and submitted to the Bankruptcy Court on the same day as the letter was allegedly written. A letter written on stationary reserved for use only by the Office of the Police Commissioner was sent without the approval of the Police Commissioner.

Again, you failed to properly supervise Officer Cyril by allowing him to secure a subpoena through the Attorney General's Office to have the employees of Christie's Inc. appear before him and Assistant Attorney General Charlotte Pool-Davis for questioning. However, on or about December 8, 2011 at a 'hearing', the representative of Attorney General's Office testified they had no knowledge of a criminal investigation. Through this inquiry, the integrity of the

Letter: Recommendation for Termination  
Re: Training Director Oakland Benta  
December 27, 2011  
Page 2 of 3

Department's investigatory process was called into question in an open forum which possibly could lead to future issues with the prosecution of criminal cases for VIPD.

This course of conduct exhibited is a clear violations of the standards established for VIPD personnel of your rank and stature, as well as for procedures in a criminal investigation. Clearly, your action and/or non-actions have called into question the Department's investigatory process and its personnel, violating the Code of Ethics of the Government of the Virgin Islands and bring disfavor upon the Virgin Islands Police Department and its employees.

- The following violations of the U.S. Virgin Islands Police Department (VIPD) Police Manual:

**Violation of Police Manual, Part I, Chapter 4**  
**Personal Conduct**

Section 4.2: Professional Conduct – As professionals, members of the Department are expected to maintain exceptionally high standards in the performance of their duties. Effective and efficient performance of duty dictates that a member of the Department strives for and continuously maintains the respect and cooperation of the community. This requirement necessitates that the conduct of all members of the Department be above reproach in all matters both within and outside of the Department.

**Violation of Police Manual, Part I, Chapter 4,**  
**Prohibited Conduct**

Section 4.5.2 Improper Conduct – A member of the Department shall not engage in any type of misconduct which reflects discredit upon the member as a Police Officer, or upon his fellow Officers, or upon the Department he serves.

A member of the Department shall not fail to comply with the Rules and Procedures or to promptly obey lawful orders and instructions of a superior. He shall not neglect his duty or interfere with others in the performance of their duties.

**Violations of Police Manual, Part I, Chapter 4**  
**Undue Influences**

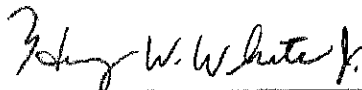
Section 4.5.11 – A member of the Department shall not seek the influence or intervention of any person inside or outside the Department for purposes of personal preferment, advantage, transfer or advancement.

Based on the above, I have no other recourse but to recommend to the Honorable Governor John P. de Jongh, Jr. the approval of your termination.

Letter: Recommendation for Termination  
Re: Training Director Oakland Benta  
December 27, 2011  
Page 3 of 3

In view of this recommendation for your termination, you are immediately to relinquish all Departmental equipment, all issued firearms you have in your possession, vehicles, keys and issued VIPD employee identification cards to the Office of the Police Commissioner. You are to immediately vacate the Offices of the Training Bureau immediately.

Sincerely,



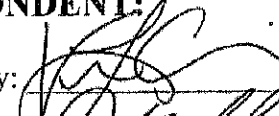
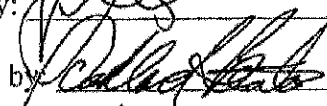

Henry W. White, Jr.  
Acting Police Commissioner

HWW/tsh

xc: Raymond L. Hyndman, Assistant Police Commissioner  
Giselle Richardson-Jones, Deputy Commissioner - Support Services  
Thomas Hannah, Special Assistant to the Commissioner  
Frederick Handleman, Legal Counsel  
Rodney F. Querrard, Sr., Police Chief (STT/STJ)  
Curtis A. Griffin, Director – Internal Affairs Bureau  
Alscess Lewis-Brown, Director – Human Resource Management Bureau  
Marjorie Belardo, Director – Payroll Services  
Patricia E. Canegata, Labor Relations Specialist  
Kenneth L. Hermon, Jr., PHR, Director-Division of Personnel  
File

### RECEIPT of SERVICE

#### RESPONDENT:

Served by:  Date: 1/3/12 Time: 1633hrs.  
Received by:  Date: 1/3/12 Time: 1643hrs.  
Witnessed by:  Date: 1/3/12 Time: 1633